IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 393 OF 2007

Shri Subhankar Samir Mukherjee ..Applicant
V/s
1.State of Maharashtra

2. Stat of West Bengal ..Respondents.

Mr. Samrat Jadhav, Advocate for te applicant

Mr. R.Y. Mirza, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 12TH FEBRUARY, 2007.

P.C.

. Heard Mr.Jadhav, learned Counsel for the applicant and Mr. R.Y. Mirza, learned APP for the State- respondent No.1.

2. The applicant seeks anticipatory bail for a limited person, so that he may appear before the competent Court and get bail from J.M.F.C., Burdwan, District Burdwan in West Bengal. Taking into consideration the facts and circumstances of this case, though respondent No.2 is State of West Bengal, I find service of notice is not necessary.

3. According to the applicant, he entered into marriage with one Rakhi Bannerjee on 2nd March, 2005. She had not disclosed that she was already married to one Sujit Das in August, 2004. In view of this, the application filed by the petitioner under Section 11 of Hindu Marriage Act for decree for nullity of marriage in Family Court, Chennai. That petition is pending. Rakhi obtained divorce from her first husband on 10th May 2005 i.e. after marriage with the present applicant and she also left the house of applicant No.1 on 20th August, 2006 and thereafter on 16th December, 2006, she lodged a report against present applicant with Police station Burdwan. On the basis of that report Crime No. 759/2006 came to be registered for the offence punishable under Section 498A, 506 (2), 406, 120B, and 420 Indian Penal Code against the present applicant and his father. His father is already arrested. The present applicant is residing in Mumbai and he apprehends arrest by West Bengal Police. Taking into consideration the facts and circumstances as stated above, I find that a protection for limited period may be granted to the present applicant, so that he may approach the competent Court for appropriate relief.

4. In case of arrest of applicant in Crime No.759/2006 registered by police Burdwan Police station, West Bengal the applicant shall be released on executing P.R. of Rs. 5000/- with surety in like amount with conditions that he shall make himself available to the police as and when required for the purpose of investigation. This Order shall remain in force till 12th March, 2007. On or before that day applicant may approach the competent Court and seek relief as per law.

5. Application stands disposed off accordingly.

(J.H. BHATIA, J.)